

#### **IV. REMARKS**

1. Claims 1-11 remain in the application. Claims 8 and 10 have been amended.
2. The specification has been amended to more clearly define the exchange of MMS messages shown as item 308 in Figure 3.
3. Applicants respectfully submit that claims 1, 10, and 11 are not anticipated by Roy (US 6,081,513).

Roy fails to disclose defining an Internet Protocol layer for the transmission of packetized data as a certain layer in a first protocol stack of a terminal arrangement and a certain layer in a second protocol stack of a network device arrangement so that the defined Internet Protocol layers are peer entities, as recited in Applicants' claim 1.

Roy also fails to disclose a network device arrangement having a control entity arranged to implement a protocol stack and an Internet Protocol layer, where the Internet Protocol layer is adapted to act as a peer entity to a corresponding Internet Protocol layer in a terminal arrangement, as recited in Applicants' claim 10.

The pending claims 1 and 10 require the IP layers mentioned therein to be peer entities. Similarly they require the multimedia messaging transport protocol layers to be peer entities. Referring to Figure 2 in Roy, Applicants note that even if there appears to be a first IP layer in Roy's protocol stack 10-1 and a second IP layer in Roy's protocol stack 10-2, they are not the peers of each other. The peer of the IP layer in stack 10-1 is the IP layer located in stack 12-1, the peer of the IP layer in stack 10-2 is the IP layer located in stack 12-2,

and the IP layers located in stacks 12-1 and 12-2 are peers to each other.

A comparison of Figure 2 in Roy and Figure 2 of the present invention is helpful in clearly differentiating the present invention from Roy. Looking at the rightmost protocol stack in Figure 2 of the present application, it is clear that it includes two IP layers. The lower of these, the IP layer 253, has a peer entity 243 in the immediately adjacent protocol stack. The upper IP layer 255 in the rightmost protocol stack has a peer entity in the IP layer 206 of the leftmost protocol stack. The higher IP layers 253 and 206 communicate with each other "over the heads of" the protocol stacks in any intermediate devices.

Roy thus fails to disclose Applicants' claimed feature "defining an Internet Protocol layer ... as a certain layer in the first protocol stack and a certain layer in the second protocol stack so that the defined Internet Protocol layers are peer entities".

At least for these reasons Applicants respectfully submit that claims 1 and are not anticipated by Roy. Claim 11 depends from claim 10 and therefore is also not anticipated by Roy.

4. Claims 2, 3, 5, and 7-9 are patentable over the combination of Roy and Burgaleta Salinas et al. (US 6,469,998, hereinafter "Bugaleta").

Like Roy, Bugaleta fails to disclose defining an IP layer in a first protocol stack of a terminal arrangement and an IP layer in a second protocol stack of a network device arrangement so that the defined IP layers are peer entities, as recited in Applicants' claim 1.

Burgaleta also fails to disclose a control entity in a network device arrangement arranged to implement an IP layer adapted to act as a peer entity to a corresponding IP layer in a terminal arrangement, as recited in Applicants' claim 10.

Therefore claims 2, 3, 5, and 7-9 are patentable over the combination of Roy and Burgaleta.

5. Claims 4 and 6 are patentable over the combination of Roy and Burgaleta, further in view of Hart, *Protocol Validation and Implementation: A design Methodology Using Lotus and ROOM*, (University of Ottawa, August 1998), hereinafter "Hart."

Like Roy and Burgaleta, Hart also fails to disclose defining an IP layer in a first protocol stack of a terminal arrangement and an IP layer in a second protocol stack of a network device arrangement so that the defined IP layers are peer entities, as recited in Applicants' claim 1.

Hart also fails to disclose a control entity in a network device arrangement arranged to implement an IP layer adapted to act as a peer entity to a corresponding IP layer in a terminal arrangement, as recited in Applicants' claim 10.

Therefore, the combination of Roy, Burgaleta, and Hart fails to render claims 4 and 6 unpatentable.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

  
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May 23, 2003  
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